IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 10877 of 2003

Between:

B. Suryanarayana S/o. Ramulu,
Aged: 48 years, Occup: Secretary,
Lankalapalem, PACS, Paravada Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1. The Dy. Registrar of Co-op., Societies,
   Visakhapatnam.
2. The Lankalapalem PACS,
   Lankalapalem, Parvada Mandal,
   Visakhapatnam District.,rep. by its President / Person-in-Charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings dt: 28-2-2003 issued by the 2nd respondent in dismissing the petitioner from service as Secretary is illegal, arbitrary, violation of the principles of natural justice and without jurisdiction and set aside the same and consequently direct the 2nd respondent to reinstate the petitioner into service as Secretary.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondent No.1 : GP FOR COOPERATION

Counsel for the Respondent No.2: None

The Court Made the Following :

The petitioner claims to be the Secretary of Lankalapalem Primary Agricultural Co-operative Society, Paravada Mandal, Vishakapatnam district (for short 'the PACS'). He seeks invalidation of the proceedings dated 28-02-2003 issued by the PACS dismissing him from service. In the affidavit filed in support of the writ petition, in paragraph No.2, it is pleaded that he was appointed as a common cadre Secretary in the year 1977, in 1987 the common cadre was abolished under Section 116-AA of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act') and that he stood allotted to the 2nd respondent Society in 1987. In paragraph No.3, it is pleaded that on 16-10-2001 he was placed under suspension, pending inquiry, a charge memo was served on 07-11-2001, he submitted his explanation and the 2nd respondent issued proceedings dated 28-02-2003 dismissing him from service with effect from 28-12-2003 without any inquiry, notice or opportunity. He assails the order of dismissal on the ground that the 2nd respondent is not competent to pass the impugned order and that the order of dismissal has been made without notice or opportunity. In page No.9 of the material papers filed along with the writ petition, the proceedings of the Deputy Registrar of Co-operative Societies dated 28-02-2003 had been filed, which is an approval of the

special bye-laws relating to the service conditions of the employees. The order of dismissal pleaded in the writ petition to have been made on 28-02-2003 has not been filed. What has been filed is an approval of the bye-laws. No Certiorari can be issued in these circumstances. Even otherwise, an order of dismissal passed by a Primary Agricultural Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India, is not amenable to the judicial review under Article 226 of the Constitution of India. The writ petition is fundamentally misconceived and is, therefore, dismissed. No costs.

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GODA

RAGHURAM,J
Pvks/*

To

1. The Dy. Registrar of Co-op., Societies,
   Visakhapatnam.
2. The President / Person-in-Charge, Lankalapalem PACS,
   Lankalapalem, Parvada Mandal,
   Visakhapatnam District.

3. 2CCs to Government Pleader for Co-operation, High Court Buildings, Hyderabad.

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